

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASEY LEE HOEY,)	
)	Civil Action No. 08 - 331
Petitioner,)	
)	Judge Gary L. Lancaster
v.)	
)	
DISTRICT ATTORNEY STEVEN)	
TOPRANI, PAUL POZONSKY, Trial Court)	
Judge; JOHN C. PETTIT, Former District)	
Attorney/And Appellee; PA. SUPREME)	
COURT; and PA. SUPERIOR COURT;)	
)	
Respondents.)	

ORDER

On March 5, 2008, the above captioned case was initiated by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Petition for an Extraordinary Writ of Mandamus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 7), filed on April 2, 2008, recommended that Petitioner's Petition be denied as without merit. On April 8, 2008, Petitioner filed Objections to the Report and Recommendation (doc. no. 8) and a Motion for a Certificate of Appealability (doc. no. 9).

After *de novo* review of the pleadings, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 11 day of April, 2008;

IT IS HEREBY ORDERED that the Petition for an Extraordinary Writ of

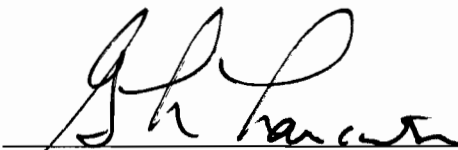
Mandamus (doc. no. 6) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for a Certificate of Appealability (doc. no. 9) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 7) of Magistrate Judge Lenihan, dated April 2, 2008, is **ADOPTED** as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Gary L. Lancaster
United States District Judge

4/11/08

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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